

AMENDED IN SENATE JUNE 26, 2008

AMENDED IN ASSEMBLY APRIL 16, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2922**

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**Introduced by Assembly Member DeSaulnier**

February 22, 2008

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An act to amend ~~Section~~ *Sections 43013 and 43016* of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 2922, as amended, DeSaulnier. Air pollution: ~~penalties~~. *penalties: fuel containers.*

Existing law declares that emissions of air pollutants from motor vehicles are the primary cause of air pollution in many parts of California, and that the state has the responsibility to establish procedures for compliance with standards that control and eliminate those air pollutants. Existing law requires the State Air Resources Board to prescribe maximum air pollution emission standards to be applied in inspecting motor vehicles. Existing law also requires a person who violates any order, rule, or regulation of the state board adopted pursuant to this authority to pay a civil penalty for deposit into the Air Pollution Control Fund, not to exceed \$500 per vehicle.

This bill would set the maximum civil penalty for a violation of these provisions to be an amount not to exceed \$500 per vehicle, portable fuel container, spout, engine, or other unit subject to regulation under these provisions.

*Existing law requires the State Air Resources Board to adopt standards and regulations for motor vehicles and off-road or nonvehicle engine categories to control the emissions of air contaminants.*

*This bill would require the state board to adopt standards for portable fuel containers and spouts. The bill would provide that this provision is declaratory of existing law.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 43013 of the Health and Safety Code is  
2     amended to read:

3     43013. (a) The state board shall adopt and implement motor  
4     vehicle emission standards, in-use performance standards, and  
5     motor vehicle fuel specifications for the control of air contaminants  
6     and sources of air pollution which the state board has found to be  
7     necessary, cost effective, and technologically feasible, to carry out  
8     the purposes of this division, unless preempted by federal law.

9     (b) The state board shall, consistent with subdivision (a), adopt  
10    standards and regulations for light-duty and heavy-duty motor  
11    vehicles, medium-duty motor vehicles, as determined and specified  
12    by the state board, portable fuel containers and spouts, and  
13    off-road or nonvehicle engine categories, including, but not limited  
14    to, off-highway motorcycles, off-highway vehicles, construction  
15    equipment, farm equipment, utility engines, locomotives, and, to  
16    the extent permitted by federal law, marine vessels.

17    (c) Prior to adopting standards and regulations for farm  
18    equipment, the state board shall hold a public hearing and find and  
19    determine that the standards and regulations are necessary, cost  
20    effective, and technologically feasible. The state board shall also  
21    consider the technological effects of emission control standards  
22    on the cost, fuel consumption, and performance characteristics of  
23    mobile farm equipment.

24    (d) Notwithstanding subdivision (b), the state board shall not  
25    adopt any standard or regulation affecting locomotives until the  
26    final study required under Section 5 of Chapter 1326 of the Statutes  
27    of 1987 has been completed and submitted to the Governor and  
28    Legislature.

1 (e) Prior to adopting or amending any standard or regulation  
2 relating to motor vehicle fuel specifications pursuant to this section,  
3 the state board shall, after consultation with public or private  
4 entities that would be significantly impacted as described in  
5 paragraph (2) of subdivision (f), do both of the following:

6 (1) Determine the cost-effectiveness of the adoption or  
7 amendment of the standard or regulation. The cost-effectiveness  
8 shall be compared on an incremental basis with other mobile source  
9 control methods and options.

10 (2) Based on a preponderance of scientific and engineering data  
11 in the record, determine the technological feasibility of the adoption  
12 or amendment of the standard or regulation. That determination  
13 shall include, but is not limited to, the availability, effectiveness,  
14 reliability, and safety expected of the proposed technology in an  
15 application that is representative of the proposed use.

16 (f) Prior to adopting or amending any motor vehicle fuel  
17 specification pursuant to this section, the state board shall do both  
18 of the following:

19 (1) To the extent feasible, quantitatively document the  
20 significant impacts of the proposed standard or specification on  
21 affected segments of the state's economy. The economic analysis  
22 shall include, but is not limited to, the significant impacts of any  
23 change on motor vehicle fuel efficiency, the existing motor vehicle  
24 fuel distribution system, the competitive position of the affected  
25 segment relative to border states, and the cost to consumers.

26 (2) Consult with public or private entities that would be  
27 significantly impacted to identify those investigative or preventive  
28 actions that may be necessary to ensure consumer acceptance,  
29 product availability, acceptable performance, and equipment  
30 reliability. The significantly impacted parties shall include, but are  
31 not limited to, fuel manufacturers, fuel distributors, independent  
32 marketers, vehicle manufacturers, and fuel users.

33 (g) To the extent that there is any conflict between the  
34 information required to be prepared by the state board pursuant to  
35 subdivision (f) and information required to be prepared by the state  
36 board pursuant to Chapter 3.5 (commencing with Section 11340)  
37 of Part 1 of Division 3 of Title 2 of the Government Code, the  
38 requirements established under subdivision (f) shall prevail.

39 (h) It is the intent of the Legislature that the state board act as  
40 expeditiously as is feasible to reduce nitrogen oxide emissions

1 from diesel vehicles, marine vessels, and other categories of  
2 vehicular and mobile sources which significantly contribute to air  
3 pollution problems.

4 ~~SECTION 1.~~

5 *SEC. 2.* Section 43016 of the Health and Safety Code is  
6 amended to read:

7 43016. Any person who violates any provision of this part, or  
8 any order, rule, or regulation of the state board adopted pursuant  
9 to this part, and for which violation there is not provided in this  
10 part any other specific civil penalty or fine, shall be subject to a  
11 civil penalty not to exceed five hundred dollars (\$500) per vehicle,  
12 portable fuel container, spout, engine, or other unit subject to  
13 regulation under this part, as these terms are defined in this division  
14 or state board regulations. Any penalty collected pursuant to this  
15 section shall be payable to the State Treasurer for deposit in the  
16 Air Pollution Control Fund.

17 *SEC. 3. The amendment of Section 43013 of the Health and*  
18 *Safety Code made by this act does not constitute a change in, but*  
19 *is declaratory of, existing law.*